

REMARKS

Claims 1-10 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-8, drawn to a torque detecting apparatus classified in class 73, subclass 862.322; and

Group II, claims 9-10, drawn to a method of forming a torque detector classified in class 73, subclass 862.325.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-8.

The Office Action is requiring restriction because the above inventions are stated to be related as subcombinations usable together in a single combination. It is not understood how a torque detecting apparatus and a method of forming a torque detector can be related as subcombinations usable together. It is noted that claim 1, directed to a torque detecting apparatus, for example, requires a housing, a sensor unit, a circuit board and a connection part. Claim 9 requires a method in which steps are performed in connection with a housing, a circuit board, a sensor and a connection part. The Office Action refers only to a "housing" in discussing claim 9, but steps involving other elements are also recited in this claim.

If this requirement is maintained, it is respectfully requested that the examiner explain what elements are present in each of the alleged subcombinations and which elements comprise the alleged combination so that Applicant can better respond to this requirement. In the meantime, it is respectfully submitted that two subcombinations usable together are not disclosed. Therefore the statement that two subcombinations usable together are being claimed does not provide a basis for requiring restriction in this application.

The Office Action also notes that a device and a method of forming a device are being claimed. If this is the basis for the restriction requirement, it is respectfully submitted that the examiner has not satisfied his burden of establishing distinctness under MPEP 806.05(f). Specifically, it has not been shown that the process as claimed can be used to make other and different products or that the product as claimed can be made by another and materially different process. As further noted in MPEP 806.05(f), if "applicant convincingly traverses the requirement, the burden shifts to the examiner to document a viable alternative process or product, or withdrawn the requirement." If restriction is being required because the inventions are a product and process for making a product, it is respectfully requested that the examiner satisfy the requirements of the MPEP or withdraw the restriction requirement.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman, Registration No 37,750, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____

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